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Attorneys for Defendants
Xoom Corporation, John Kunze,
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PATRICK ANDREW BARRETT, Individually and
On Behalf of All Others Similarly Situated,

Plaintiff,

v.

XOOM CORP., JOHN KUNZE, AND RYNO
BLIGNAUT,
Defendants.

Case No. 5:15-cv-01319-LHK

CLASS ACTION

Related Case: 5:15-cv-00602-LHK

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME TO
RESPOND TO COMPLAINT**

Courtroom: 8 - 4th Floor
Judge: Honorable Lucy H. Koh

DATE ACTION FILED: 3/11/2015
(Removed 3/20/2015)

1 WHEREAS, on March 11, 2015 plaintiff Patrick Andrew Barrett (“Plaintiff”) filed in the
2 Superior Court of the State of California, County of San Francisco, a complaint (the “Complaint”)
3 ostensibly on behalf of a class of all similarly-situated individuals who purchased common stock of
4 Xoom Corporation (“Xoom”) allegedly pursuant and/or traceable to Xoom’s Registration Statement
5 and Prospectus, declared effective by the Securities and Exchange Commission on February 14, 2013,
6 issued in connection with Xoom’s Initial Public Offering (the “*Barrett Action*”);

7 WHEREAS, on March 20, 2015, defendants Xoom, John Kunze, and Ryno Blignaut
8 (collectively, “Defendants”) removed the *Barrett Action* to this Court, now captioned *Barrett v. Xoom*
9 *et al.*, Case No. 5:15-cv-01319-LHK (*Barrett Dkt. 1*);

10 WHEREAS, Defendants did not answer, move, or otherwise respond to the Complaint before
11 removing the *Barrett Action*;

12 WHEREAS, on March 26, 2015, this Court granted Defendants’ administrative motion and
13 approved the parties’ stipulation to relate the *Barrett Action* with another, substantially identical
14 putative class action filed ostensibly on behalf of the same putative class and captioned *Liu v. Xoom et*
15 *al.*, Case No. 5:15-cv-00602-LHK (the “*Liu Action*”) (*Liu Dkt. 14*; *Barrett Dkt. 7*);

16 WHEREAS, pursuant to the March 26, 2015 Court-approved stipulation, this Court’s ruling
17 on the pending remand motion in the first-filed *Liu Action* will also apply to the second, related
18 *Barrett Action* (*Liu Dkt. 14*; *Barrett Dkt. 7*);

19 WHEREAS, the hearing on the remand motion in the first-filed *Liu Action* is currently set for
20 July 2, 2015 (*Liu Dkt. 11*);

21 WHEREAS, the parties understand that Federal Rule of Civil Procedure 81(c) would require
22 Defendants to answer, move, or otherwise respond to the Complaint in the *Barrett Action* prior to the
23 July 2, 2015 remand hearing in the *Liu Action*;

24 WHEREAS, the parties wish to stipulate to a schedule substantially identical to the scheduling
25 stipulation this Court approved on February 13, 2015 in the *Liu Action* (*Liu Dkt. No. 8*);

26 WHEREAS, no party has requested any time modifications in this action; and

27 WHEREAS, Defendants intend to move to dismiss the Complaint.
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1 NOW, THEREFORE, PURSUANT TO CIVIL LOCAL RULES 6-2 AND 7-12, IT IS
2 HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

3 1. Defendants shall not be required to answer, move to dismiss, or otherwise respond to the
4 Complaint in the *Barrett* Action pending a decision by the Court on the pending motion to remand in
5 the *Liu* Action;

6 2. If the Court denies the motion to remand in the *Liu* Action, the parties in the *Barrett*
7 Action will confer in good faith regarding a schedule for filing of an amended complaint and the
8 briefing of Defendants' motion to dismiss, and Defendants will not be required to answer, move to
9 dismiss, or otherwise respond to the Complaint until the parties submit a proposed stipulation
10 regarding a schedule for the briefing of Defendants' motion to dismiss;

11 3. If the Court grants the motion to remand in the *Liu* Action, the parties in the *Barrett*
12 Action will confer in good faith regarding a schedule for filing of an amended complaint and the
13 briefing of Defendants' demurrer, and Defendants will not be required to answer, move to dismiss, or
14 otherwise respond to the Complaint until the parties submit a proposed stipulation regarding a
15 schedule for the briefing of Defendants' demurrer; and

16 4. Nothing in this Stipulation shall be construed as a waiver of any of Defendants' rights or
17 positions in law or equity, or as a waiver of any defenses that Defendants would otherwise have,
18 including, without limitation, service of process and jurisdictional defenses.

19 IT IS SO STIPULATED.
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1 Dated: April 7, 2015

Respectfully submitted,

2 **GOODWIN PROCTER LLP**

3 By: /s/ Nicole L. Chessari
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14 *Attorneys for Defendants Xoom Corporation,*
15 *John Kunze and Ryno Bignaut*

16 Dated: April 7, 2015

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25 *Attorneys for Plaintiff Patrick Andrew Barrett*

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

ENTERED: _____

HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

CIVIL L.R. 5-1 ATTESTATION

I, Nicole L. Chessari, am the ECF User whose ID and Password are being used to file this STIPULATION RELATING CASES. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Lionel Z. Glancy, counsel for Plaintiff Patrick Andrew Barrett has concurred to its filing.

Dated: April 7, 2015

/s/ Nicole L. Chessari
Nicole L. Chessari

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 7, 2015, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil L.R. 5-1(h). Any counsel of record who have not consented to electronic service through the Court's CM/ECF system will be served by first class mail, facsimile and/or overnight delivery.

/s/ Nicole L. Chessari
Nicole L. Chessari